1879.
(L.R.)

File No. 19/79
Serial No. 1-3

P. (3) F

Board Circulars

Subj:- Revenue

of the Calander year 1879

Land Revenue File No. 19 of 1879.

Sls/3.

Revenue Board Circulars of the Calendar year 1879.

Indexed

1879. 16353.

From The Supt
Board of Revenue, L.P.

To
Secy to Govt of Bengal

Dated

Despatched

Received 22nd Sept 1879.

Enclosures No.

General No. } 1879.
No.

Circular Order, Misp — No 12,
August 1879.
Revenue Circulars, — Nos
1, 2, & 3. — August 1879.

To Revr Dept
22-9-79

Entered
24/9.

To Under secy for info
22.9.79
Filed

L.R. 19-79-1

11-9-79

AUGUST 1879.

R. L. MANGLES, ESQ., V.C.

No. 1.

FOLLOWING the precedent of the orders contained in the High Court's circular No. 19, dated 11th May 1878, with respect to mukhtars, the Board of Revenue hereby direct that no attestation shall hereafter be required of the powers of attorney under

CIRCULAR ORDER, SLIP No. 12, AUGUST 1879.

"The Excise Officer." 3-8-79.

Forms, are generally in use at Agra, are requisite in future at the close of each quarter, through Commissioners of divisions, the abstract mehalwari account (Form No. 6), showing the financial results of the management of such estates during the quarter.

2. The first return to be submitted should include the results of the first two quarters of the year 1879-80, and should be submitted as soon as possible after September 30th.

HON'BLE C. T. BUCKLAND.

Erratum.

FOR "executed" in the last line of Circular No. 5 of April 1879 read "written."

No. 3.

FOR the words "the Collector" in line 1, clause 43, section XVII, of the Board's Excise Rules, substitute the words "The Excise Officer."

W. H.—Reg. Nos. 6241 & 6844—600—5-9-79.

No. 383.

1879.

From The Secretary,
Board of Revenue, L.P.

To
Secy. to Ch. Comr. of Inqrs.

Dated

Despatched

Received 4 Oct. 1879.

Enclosures No.

General No. } 1879.
No.

Circular Order, Dept. No. 13, Sept. 1879
Revenue Circulars, No. 5, Sept. 1879

Rec. 1879

To Rec. Dft. as
directed.
14.10.79

Submit.
14.10.79

Rec.

15

CIRCULAR ORDER, SLIP No. 13, SEPTEMBER 1879.

"Return No. XXIII A, Settlements sanctioned by the .....of....." 1-9-79.

"Return No. XXIII A, Settlements sanctioned by the .....of....." 1-9-79.

"Return No. XXIII A, Settlements sanctioned by the ....of....." 1-9-79.

"should be dealt with in respect of confirmation of the proceedings, in accordance with the rules laid down in paragraph 2 of the rules published in circular order No. 1 of September 1879." 1-9-79.

SEPTEMBER 1879.

R. L. MANGLES, ESQ., V.C.

No. 1.

BENGAL Act III of 1878 having been repealed by Bengal Act VIII of 1879, the rules contained in Board's circular order No. 7 of February 1879, are cancelled.

2. The following rules, for the confirmation of settlement proceedings under Bengal Act VIII of 1879, have been approved by the Lieutenant-Governor, as published in the *Calcutta Gazette* of 11th June 1879, page 544, Part I.

WITH reference to the provisions of section 5, Act VIII (B.C.) of 1879, the Lieutenant-Governor is pleased to empower the revenue officers mentioned below, respectively, to sanction or subsequently to approve general rates of rent for adoption in settlements of the different classes specified:—

I.—Regular settlements in which the number of ryots whose rents are to be recorded under the Act does not exceed 200. — The Collector or other officer specially empowered by the Government to exercise the powers of a Collector on this behalf.

II.—Regular settlements in which the number of such ryots exceeds 200, but does not exceed 400. — The Commissioner of the Division.

III.—All other cases. — The Board of Revenue.

In applying the above rules, those ryots only will be taken into account who are entitled to have their rents recorded under the Act. Subordinate tenants holding under such ryots, whether known as *kayta* ryots or by any other name, need not be taken into account, even though the settlement officer may, for statistical or other purposes, record in his proceedings the rents which are actually paid, or which he considers might fairly be paid, by such subordinate tenants.

(2). In supersession of previous orders on the subject, the Lieutenant-Governor is pleased to order that the following revenue authorities, respectively, shall be competent to sanction settlement proceedings under Regulation VII of 1822 and other laws:—

I.—Settlements for a term not exceeding five years of churs, the Government revenue assessed on which does not exceed Rs. 200: provided that — The Collector,

Sept. 1879. Rev. Cir.

the settlement is made with resident ryots or others entitled to a settlement and not farmed.

II.—Summary settlements for one year of estates the revenue assessed on which does not exceed Rs. 500, that is, summary extensions for one year of the expiring settlements of such estates owing to detailed enquiries for a regular settlement not being completed: provided that if it is proposed so to extend such a settlement for a second year, the sanction of the Commissioner will be required. The Collector.

III.—All other summary settlements of estates of which the Government revenue does not exceed Rs. 5,000 for two years or less. The Commissioner of the Division.

IV.—Regular settlements of estates on which the Government revenue assessed does not exceed Rs. 5,000 for the following terms: provided that the settlement be made after detailed enquiry with persons entitled to settlement, or with the local under-tenants and ryots:— The Commissioner of the Division

(*a*) up to the year fixed by Government for the termination of temporary settlements in the district;

(*b*) in cases in which the law does not admit of the settlement being made for so long a period as is mentioned in (*a*), and in cases in which the term of settlement is limited by orders of the Government or Board (*e.g.*, escheated lands which are ordered to be settled for 12 years only) for the longest period allowed by law or by such orders;

(*c*) in the cases of chur estates only, for not more than ten years.

V.—Summary settlements which are beyond the competency of Commissioners. The Board of Revenue.

VI.—Temporary settlements beyond the competency of Commissioners in which the Government revenue assessed does not exceed Rs. 25,000. The Board of Revenue.

VII.—Permanent settlements to which the proprietors have a statutory right. The Board of Revenue.

(3). Temporary settlements in which the Government revenue assessed exceeds Rs. 25,000, and proposed permanent settlements to which the proprietors have no statutory right, will be reported for the orders and final sanction of Government.

(4). The foregoing rules are applicable to the settlement or re-settlement of individual estates or parts of estates; but settlements of whole districts, or pergunnahs, or other sub-divisions of districts, should be made and engagements taken subject to the final approval of the Government of India to which, through the Government of Bengal, the proceedings will be reported in due course for such approval.

2. At the close of every quarter the Collector shall submit to the Commissioner a return in the form annexed (No. XXIII A) of settlements sanctioned by him under the preceding rules. The Commissioner shall forward this return to the Board with another, in precisely the same form, of settlements sanctioned by himself. The return contains specimen entries, showing the particulars which should be furnished by the local officers.

4. As this return will henceforth take its place among the regularly prescribed forms, the following should be added to

the "Appendix (List of returns)" at page 299 of the Board's rules (new edition) as a quarterly return:—"Return No. XXIII A, Settlements sanctioned by the.....of....." The same addition should be made at page 300 under "Returns to be furnished by Commissioners to the Board." "Quarterly" also at page 301 under the head "Quarterly."

5. Indents should be submitted to the Superintendent of Stationery for forms of this return.

6. After the confirmation of the settlement of an estate has been received, the estate, whether it is to be held khas or not, will no longer be shown, as "under settlement" in Return VIII.

7. As the rules laid down in paragraph 2 of the above, "Rules for the confirmation of settlement proceedings under Act VIII (B.C.) of 1879," apply to the settlement of fisheries as well as to estates consisting of land within the rental limits prescribed therein, circular order No. 3 of December 1873 is modified thus—

For the words "should be reported to the Board for confirmation" substitute "should be dealt with in respect of confirmation of the proceedings, in accordance with the rules laid down in paragraph 2 of the rules published in circular order No. 1 of September 1879."

Return No. XXIIIA.—Settlements sanctioned by the *during the quarter ending*

Number.	Name and description of estate, with number on general register, and mofussil and sudder jamas of previous and present settlement, and term of present settlement.	Year of last previous settlement and of the present settlement.	AREA OF ESTATE IN STANDARD BIGHAS. Cultivated at time of previous settlement and at present settlement.	Cultivable, not cultivated (as in column 4).	Not cultivable (as in column 4).	Total area (as in column 4).	Parties admitted to present settlement with reasons for making it with them.	Remarks, explaining any considerable increase or decrease of area or jama, the arrangements made for the management of the estate, if it is to be held under direct management of Collector, and other points worthy of mention.
1	2	3	4	5	6	7	8	9
			Bgs.	Bgs.	Bgs.	Bgs.		
1	Mehal Gatnapore. No. on general register, 152. Property of Government, resumed as an island chur by decree of 1825.	1848	700	200	100	1,000	.....	The estate has lost 710 bighas by diluvion. The estate is cultivated by 100 ryots, of whom 80 have acquired a right of occupancy. The rates of assessment at the previous settlement were as follow :—
	Previous settlement, 1848 ; in farm on a jama of Rs. 1,000. Present settlement, 1878 ; gross rental, Rs. 1,500, to be held khas. Rents fixed for ten years.	1878	200	50	40	290	To be held under direct management.	

Description of land	Rate per bigha. 1848. Rs. A. P.	1878. Rs. A. P.
Pastu	1 0 0	1 0 0
First class dhan land	1 4 0	1 6 0
Second do. do.	1 0 0	1 2 0
Orchard	1 8 0	1 10 0

These are the rates recorded as payable by cultivators. The enhanced rates are in consequence of increase in value of produce since last settlement. The majority of the ryots have signed the jamabandi in token of acceptance.

2	Chur Durvesh. No. on general register, 1010. Property of Government, resumed as an island chur by decree of 1810.	1849	5,000	500	200	5,700	.....	The area has increased by accretion, but the cyclone has thrown most of the land out of cultivation. 100 ryots are now on the estate, and others are returning to it. The estate is covered with so-called *haoladars*, who claimed to have the rent of each tenure settled with them, and denied the right of the Settlement Officer to fix the rents

Previous settlement, 1840, with farmer on jama of Rs. 2,000. Present settlement, 1879; gross rental, Rs. 5,000, to be held khas. Rents fixed for ten years.	1879	1,000	7,000	300	2,300	To be held under direct management.

of their ryots. Although these *haoladars* were created by the holders of a temporary farming lease, and as such have no right to be recognized by Government, it has been found that 20 out of the 30 claimants are *bonâ fide* reclaimers of the soil: they have therefore been recognized by the Settlement Officer. The area comprised in these 20 *haolas* is 5,000 bighas, and the following is a comparison of the rates adopted at the last and at the present settlement:—

Haoladars' rates.

	Rate per bigha.		
	1840.	1879.	
	Rs. A. P.	Rs. A. P.	
Bastu	... 1 8 0	1 12 0	
First class dhan land	... 2 0 0	2 4 0	
Second do. do.	... 1 12 0	2 0 0	
Cultivable waste ...	... 2 4 0	2 8 0	

These rates have been fixed by deducting 20 per cent. from the rates assumed as payable by the ryots to the *haoladars*. The ryots' rates, whether assumed for the purpose of calculating the *haoladars'* rents only, or authoritatively recorded as payable by the ryots who pay direct to Government, are identical as below.

The area held by ryots not included in the under-tenures is bighas 3,000, thus assessed—

	Rate per bigha.	
	1840.	1878.
	Rs. A. P.	Rs. A. P.
Bastu	... 1 12 10	2 1 7
First class dhan land	... 2 6 5	2 11 2
Second do. do.	... 2 1 7	2 6 5
Cultivable waste ...	... 2 11 2	3 0 0

The increase is owing to the general rise in value of produce, and to the construction of an embankment at the cost of Government, which has greatly increased the productiveness of the lands.

18 of the 20 *haoladars* have accepted the settlement; 2 are believed to be about to sue in the civil court for reduction of their rents as recorded. Of the ryots paying direct to Government (10), 5 have accepted the settlement and 5 refuse to agree, on the ground that they are ryots of the so-called *haoladars* whom the Settlement Officer has refused to recognize. The estate will be managed through a tehsildar and establishment. For correspondence about this settlement, —*vide* Commissioner's letter to Board, No. , dated .

W. M. E.—Reg. No. 7375—600—25-9-79.

No 29 2533

(General Serial No. 31.)

1881.

From Board of Revenue

To

Dated

Despatched

Received 24th January.

Enclosures No.

General No.

No.

Rev. Circulars

dispatched January

1881.

file

Memo: 24-178

Transferred to the Secretary Revenue Department.

By Order

J. Cunningham

Secretary

A. R. P.

24-1-81.

"2A. With his report in cases in which public officers are removed or dismissed from the service of Government, the Commissioner should invariably submit the originals, or copies of the written charge, defence, and decision thereon, which are required by clauses 9 and 9 *a*, section IV, chapter II, page 35 of these rules." 1-1-81.

"9. In order that a servant of Government, when dismissed or removed, may be able to exercise his right of appeal, the resolution of the Government of India, circulated with Bengal Government miscellaneous circular No. 21, of 12th August 1879, explicitly requires that (except in the cases of public servants who are dismissed in consequence of facts or inferences elicited at a judicial trial, or in the cases of persons who abscond with an accusation over their heads, and in which therefore the prescribed procedure would be unnecessary or impossible), in all cases of removal or dismissal, the charge against the public servant concerned shall be reduced to writing, that his defence shall either be taken in, or reduced to, writing, and that the decision thereon shall also be in writing. Commissioners and other appellate officers are therefore precluded from confirming orders of removal or dismissal which have been passed in contravention of the above orders of the Government.

"9A. In accordance with the spirit of the orders referred to, the same procedure should be followed in all cases of punishment of Government servants in the receipt of higher salaries than ten rupees a month; and in cases in which Collectors or Commissioners submit recommendations for the punishment of subordinate officers." 1-1-81.

N. T. W.—Eng. No. 10638J—650—10-1-81.

JANUARY 1881.

Hon'ble H. L. Dampier.

No. 1.

The following is added as clause 2, A, to section I, chapter X, page 217, Board's Rules, Volume I, (new edition).

"2A. With his report in cases in which public officers are removed or dismissed from the service of Government, the Commissioner should invariably submit the originals, or copies of the written charge, defence, and decision thereon which are required by clauses 9 and 9 *a*, section IV, chapter II, page 35 of these rules."

Substitute the following for clause 9, section IV, chapter II, page 35.

"9. In order that a servant of Government when dismissed or removed may be able to exercise his right of appeal, the resolution of the Government of India, circulated with Bengal Government miscellaneous circular No. 21, of 12th August 1879, explicitly requires that (except in the cases of public servants who are dismissed in consequence of facts or inferences elicited at a judicial trial, or in the cases of persons who abscond with an accusation over their heads, and in which therefore the prescribed procedure would be unnecessary or impossible), in all cases of removal or dismissal, the charge against the public servant concerned shall be reduced to writing, that his defence shall either be taken in, or reduced to, writing, and that the decision thereon shall also be in writing. Commissioners and other appellate officers are therefore precluded from confirming orders of removal or dismissal which have been passed in contravention of the above orders of the Government.

"9A. In accordance with the spirit of the orders referred to, the same procedure should be followed in all cases of punishment of

JAN. 1881. REV. CIR.

Government servants in the receipt of higher salaries than ten rupees a month; and in cases in which Collectors or Commissioners submit recommendations for the punishment of subordinate officers."

No. 2.

RULES under the Cess Act, IX (B.C.) of 1880 have been published in pamphlet form by authority of the Board of Revenue Lower Provinces, under the provisions of section 106 of the Act pending their issue as a Chapter of the 2nd Volume (new edition) of the Board's Rules.

Copies of these rules are being forwarded for the use of each Commissioner and district and sub-divisional officer.

Managers of Wards and Attached Estates, and of other properties under the control and supervision of the officers of the Revenue Department, can obtain copies from the Superintendent of Government Printing, Bengal, on payment of the price fixed.

N. T. W.—Reg. No. 10291J—670—3-1-81.